Remarks/Arguments

Claims 2-14 and 17-21 are pending in this application. Of these, claims 2, 17 and 21 are independent claims.

The Applicant thanks the Examiner for the telephonic interview conducted on March 10, 2009. During the interview, the Applicant's agent highlighted four deficiencies in the rejection of independent claim 2 from the Final Action and discussed related deficiencies in the rejections of corresponding independent claims 17 and 21. The Examiner appeared to acknowledge these deficiencies and recommended filing a written response so that examination may be reopened. The present response has accordingly been prepared.

The four deficiencies in the rejection of claim 2 are as follows.

Firstly, under the heading "Regarding claim 2" on page 2 of the Final Action, it is stated in the first sentence that "[r]eferring to claim 2 Mikhailov discloses all the limitations of claim 2 which is described above." However no description of any limitations of claim 2 could be found above.

Secondly, in the sixth sentence under the same heading of page 2 of the Final Action, reference is made to Fig. 61 of Mikhailov. Mikhailov does not contain any Fig. 61.

Thirdly, the Examiner excerpts a portion of Mikhailov, starting at the sixth sentence under

the heading "Regarding Claim 2" on page 2 of the Final Action through page 4, line 2, that does not appear to be relevant to the claim. In particular, whereas claim 2 pertains to receipt of a given message from a wireless communication device, queuing of the message, dequeuing of the message and pushing of the message toward a destination for an application of an application server (among other claim features), the excerpted portion of Mikhailov pertains to a <u>server-initiated</u> content delivery process wherein a delivery request <u>originates at the application server</u>. In other words, the flow of content in the excerpted portion of Mikhailov appears to be from the server to the user terminal (specifically, to the PAT at the user terminal). In contrast, the message flow of claim 2 occurs in essentially the opposite direction, i.e. from the wireless communication device toward the application server.

Fourthly, at page 4 of the Final Action, the Examiner admits that "Mikhailov did not disclose <u>a method of enabling use of an application server application by wireless communication device comprising, at a transaction server: on receipt of a given message from said wireless communication device for said application on said application server</u>". However, the Examiner suggests that this feature is well known in the art as taught by Fascenda. Yet the cited portion of Fascenda fails to disclose any transaction server. Indeed, Fascenda's architecture appears to be a client-server architecture, lacking any intermediary components between the client and server (see, e.g., the heading at column 9, line 26 of Fascenda and FIG. 3, client device 108 and server 114). Thus the Examiner's contention is challenged as unsupported.

Following the Examiner interview, a fifth deficiency in the rejection of claim 2 has been

identified. Specifically, the statement at page 2 of the Final Action beginning with the second sentence under the heading "Regarding claim 2", i.e. "Mikhailov also discloses queuing said given message on said a [sic] queue for said application; and subsequent to said queuing, pushing said given message, and each message queued on said queue, toward a destination for said application of said application server, and wherein said pushing comprises, for each message on said queue, dequeuing said each message from said queue and pushing said each message", appears to be directly contradicted by a subsequent Examiner statement later in the Final Action. In particular, starting at page 26, line 2 of the Final Action, the Examiner states "Mikhailov did <u>not</u> disclose on receipt of a given message from said wireless communication device for said application on said application server, <u>queue said given message on a queue for said application; and subsequent to said queuing, push said given message, each message queued on a queue for said application, toward a destination for said application of said application server, wherein said pushing comprises, for each message on said queue, dequeuing said each message from said queue and pushing said each message</u>" [emphasis added]. The former statement cannot stand in light of the later statement.

In view of these various deficiencies, the Applicant submits that the rejection of claim 2 under 35 USC 103(a) cannot be sustained. Moreover, in view of the adoption of similar reasoning for rejecting claims dependent from claim 2, the rejection of the dependent claims also cannot be sustained. Withdrawal of the rejections is therefore requested.

With regard to claim 17, the above-noted first, second and third deficiencies, *mutatis*

mutandis, are equally applicable to the claim. Moreover, to the extent that claims dependent from claim 17 build upon the same grounds of rejection, the rejection of those dependent claims is traversed for the same reasons.

Finally, the rejection of claim 21 is traversed on the grounds that Fascenda fails to disclose the feature that it is alleged to disclose. In particular, the Examiner states at page 26, lines 14-19 of the Final Action, that Fascenda discloses, at column 10, lines 62-67 to col. 11, lines 1-21, "on receipt of a given message from said wireless communication device for said application on said application server, queue said given message on a queue for said application; and subsequent to said queuing, push said given message, each message queued on a queue for said application, toward a destination for said application of said application server, wherein said pushing comprises, for each message on said queue, dequeuing said each message from said queue and pushing said each message." Yet, this portion of Fascenda appears to merely disclose a client request and an ensuing server response. Such an exchange is typically considered to be the hallmark of "pull" technology. In contrast, claim 1 pertains (in part) to "push" technology. Thus it is unclear how the cited portion of Fascenda in any way discloses the relevant limitation.

In view of the foregoing, favorable reconsideration and allowance of the application are earnestly solicited.

Respectfully submitted,

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